

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	File No. 15CR340
)	(JRT/LIB)
Plaintiff,)	
)	
vs.)	Minneapolis, Minnesota
)	November 21, 2016
Danny James Heinrich,)	1:00 P.M.
)	
Defendant.)	
)	

BEFORE THE HONORABLE CHIEF JUDGE JOHN R. TUNHEIM
UNITED STATES DISTRICT COURT
(SENTENCING)

APPEARANCES

For the Plaintiff:	United States Attorney's Office STEVEN SCHLEICHER, AUSA JULIE E. ALLYN, AUSA 300 South Fourth Street Suite 1005 Minneapolis, MN 55415
For the Defendant:	Office of the Federal Defender KATHERIAN ROE, ESQ. REYNALDO ALIGADA, JR., ESQ. 300 South Fourth Street Suite 107 Minneapolis, MN 55415
Court Reporter:	KRISTINE MOUSSEAU, CRR-RPR 1005 U.S. Courthouse 300 South Fourth Street Minneapolis, MN 55415

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10:00 A.M.

(In open court.)

THE COURT: You may be seated. Good morning, everyone. This is Criminal Case Number 15-340, United States of America versus Danny James Heinrich. We're here for sentencing today.

Counsel, would you note your appearances?

MS. ALLYN: Good morning, Your Honor. Julie Allyn and Steve Schleicher here for the United States.

MR. SCHLEICHER: Good morning, Your Honor.

THE COURT: Good morning to both of you.

MR. ALIGADA: Good morning, Your Honor. Reggie Aligada and Katherian Roe on behalf of Danny Heinrich, who is present in court.

MS. ROE: Good morning, Your Honor.

THE COURT: Mr. Aligada, Ms. Roe, good morning to you.

Mr. Heinrich, how are you today?

THE DEFENDANT: Fine.

THE COURT: All right. We're ready to proceed. In preparation for sentencing, the Court has carefully read the presentence report that has been prepared by the probation office in this case. The Court has reviewed the sentencing memoranda that has been filed by both sides in

1 this matter and looked back at the plea agreement and other
2 matters relevant to the sentencing.

3 Mr. Aligada, did you have enough time to work
4 with the probation office in consideration of this report?

5 MR. ALIGADA: Yes, we did, Your Honor.

6 THE COURT: Do you have any objections?

7 MR. ALIGADA: We have no objections, Your Honor.

8 THE COURT: Do you have any objection, Ms. Allyn?

9 MS. ALLYN: None from the government, Your Honor.

10 THE COURT: All right. We need to take care of
11 the guideline issues first before we get to sentencing.
12 The Court will adopt the factual statements in the
13 presentence report as the Court's findings of fact for
14 sentencing. As to the advisory guideline conclusions, the
15 conviction is on Count 24, receipt of child pornography.
16 The base offense level is 22.

17 There is a two-level reduction because of the
18 limitation of the material involved and no indication of
19 distribution. So two-level increase because the material
20 involved a prepubescent minor or minor who has not yet
21 attained the age of twelve years.

22 There is a four-level increase for portrayal of
23 sadistic or masochistic conduct, a five-level increase for
24 engaging in a pattern of activity involving sexual abuse
25 and exploitation of a minor, a two-level increase for use

1 of a computer or interactive computer service, a two-level
2 increase for the number of images, which are at least ten
3 but fewer than 150, and the Court will grant a three-level
4 downward adjustment for acceptance of responsibility,
5 giving us a total offense level of 32.

6 Mr. Heinrich's Criminal History Category, the
7 Court finds to be level I, which does result in a guideline
8 range of 121 to 151 months, a supervised release range of
9 five years to life, a fine range of \$17,500 up to \$175,000,
10 mandatory restitution and a \$100 special assessment. The
11 Court will note a five-year mandatory minimum and a 20-year
12 maximum sentence for this crime.

13 All right. Having made those calculations, which
14 of course I must do, we will turn now to addressing the
15 appropriate sentence.

16 Ms. Allyn, there are victims who wish to speak
17 this morning?

18 MS. ALLYN: Yes, Your Honor. At this time the
19 government would first call Jared Scheierl to the podium to
20 speak to the Court.

21 THE COURT: Very well.

22 JARED SCHEIERL: Good morning, Your Honor.

23 THE COURT: Good morning.

24 JARED SCHEIERL: I came here today to give a
25 statement, something I have been waiting for for a long

1 time. At times I thought that this day may never come, but
2 it's here. We're here today to hear the level of pain and
3 trauma that Danny Heinrich has inflicted on a number of
4 people through the course of 27 years or longer.

5 I have submitted a written statement as well that
6 expresses a lot of details pertaining to the night that
7 Danny Heinrich abducted, abducted me.

8 THE COURT: And I read your statement. I
9 appreciated receiving it.

10 JARED SCHEIERL: And that being said, a victim of
11 physical, verbal and sexual assault, I was left that night
12 to deal with a lot of emotions, a lot of questions and
13 trying to seek clarity in my own life along the way. That
14 being said, a few years ago somebody came to me curious
15 about trying to understand this complex case, and I agreed
16 to share my thoughts, my feelings, my emotions, everything
17 that is involved with all of this.

18 And through that process, I realized that there
19 are a heck of a lot of people that generally care about the
20 humanity or -- humanity in our society and all that, but
21 I've met a lot of amazing people along the way as well, and
22 I'm grateful for those people that have come into my life
23 and have given me the support and the reassurance and
24 strength that I need to maintain a normal life.

25 I recognize my blessings in life, and I choose to

1 go through life having few regrets on the decisions that I
2 make. The, the idea that after today, after hearing the
3 testimonies and statements from the Wetterling family and
4 also recognizing the other victims associated in all of
5 this that aren't being heard today, I can say that this is
6 just one more step in gaining closure to an incident in my
7 life that has defined me in many ways.

8 And to make it short, I understand that Danny
9 Heinrich has an opportunity to speak to the Court today.
10 I'll have him know that I personally will be walking out at
11 that time for the fact that he should know that the words
12 that he had spoke to me on that evening haunted me for
13 years, and I don't chose to hear anything he wishes to say
14 at this time.

15 I would like him, on a final note, I would just
16 simply like to say to him, there is nothing uncommon about
17 common sense. I just wish you had more common sense, and
18 that being said, I'll step down.

19 THE COURT: Thank you, Mr. Scheierl. I
20 appreciate that.

21 MS. ALLYN: Your Honor, the government would call
22 Aaron Larson to the podium to address the Court.

23 THE COURT: Very well. Good morning, Mr. Larson.

24 AARON LARSON: Good morning, Your Honor. Thank
25 you. I first wanted to thank everyone who has been

1 involved in helping us find Jacob, to the lawyers, to the
2 law enforcement, to the media, to our friends and family,
3 and especially to the Wetterlings. Because of you, the
4 type of people that you all are, the type of son and
5 brother that Jacob was, that all shows in how nobody ever
6 stopped looking for Jacob. That is because of all of you.

7 October 22nd, 1989, like any other night in life
8 was a night of choices. The choices that Jacob, Trevor and
9 I made to start that night were ones that every child
10 should be able to make, to have fun, to enjoy your friends,
11 to enjoy life. The choices that were made by Daniel
12 Heinrich that night changed so many lives, so many wrong
13 choices by him that caused heartache and sorrow for so
14 many.

15 October 22nd, 1989, I consider that the end of my
16 childhood. A 20-year sentence for Daniel Heinrich is a
17 significant number for me. For 20 years I lived with a
18 huge amount of guilt from the choices that were made from
19 that night. I lived every day thinking I was the monster
20 that night, I was the coward that left my friend, I was the
21 coward that ran away.

22 Every day I lived with believing that me running
23 away was a choice. During all these years, every decision
24 I made in life revolved around Jacob and the guilt I felt
25 because I was still here. I was the last person who cared

1 about Jacob to see him, to be right next to him, and I just
2 left him.

3 I hated it. I hated how I left him. I was
4 Jacob's best friend, who became the kid who was with Jacob.
5 To hear the kid who was with Jacob meant in my mind the kid
6 who left Jacob. I heard this everywhere I went every day.
7 It caused me to push people away, to be scared, to cry.

8 I just wanted Jacob to come home so we could be
9 best friends again, so his family could be happy, to stop
10 the pain. On every October 22nd since 1989, I couldn't
11 handle the guilt. I felt miserable going to the
12 Wetterlings because Jacob should be there with them, always
13 holding back an apology because I didn't know how to say
14 I'm sorry that I'm still here that, that the wrong choice
15 was made that night.

16 I left the state. I left the country. I just
17 wanted to be gone. I just wanted to be Jacob's best friend
18 again. I couldn't take being the kid who left Jacob. The
19 choices that Daniel Heinrich made that night caused all of
20 that. He took a beautiful, innocent life and attempted to
21 ruin so many more. Because of this, I believe he should
22 spend the rest of his life in prison. He is correct. He
23 is just a man, an evil man that should be gone forever.

24 I say, "Attempted to ruin so many more lives,"
25 because he did not win. Evil does not win. He took Jacob

1 from us that night but can never take away his spirit, his
2 soul, his kindness that lives and carries on in so many
3 people here today. In eleven years, I think Jacob taught
4 us all so much about life, how to make a difference, how to
5 be happy, how to make others happy. I still believe in
6 this.

7 My kids will believe in this. There is evil out
8 there every day, but the Jacob that is in all of us here
9 today is stronger than that, is deeper than that and can
10 overcome that. We have all shown this by never giving up
11 looking for Jacob, never quitting. Life is hard, but Jacob
12 showed us how great this hard life can be. Jacob and his
13 spirit wins every day, not evil.

14 I read Daniel Heinrich's statement, and I could
15 write a response to every statement he put to paper. Many
16 people have asked me what I would say to him, and I have a
17 hard time coming up with that, with what I would say to
18 him, because I don't think about him. I think about Jacob
19 and what I would say to him.

20 I choose to concentrate on the good things in
21 life, and that is Jacob. Every single person has had bad
22 things happen to them in life. It's how we choose to deal
23 with these obstacles that determine the type of people that
24 we will become.

25 Daniel Heinrich had obstacles in life. We all

1 have. We all get to make choices on how to deal with those
2 obstacles. He made the wrong choices. Because of this, I
3 hope he does actually have feelings. I hope he sheds tears
4 every day, feels the pain he caused to so many, waits for
5 sympathy that will never come.

6 He is right. He is just a man. He is not a
7 monster. A monster can continue to scare kids at night,
8 continue to try and bring evil into the world. He is just
9 a man that is going away forever.

10 In the beginning, I said 20 years was a
11 significant number because this is how long it took me to
12 come to terms with my guilt. This is how long it took me
13 to realize that I didn't have a choice that night, to
14 realize that it wasn't me that should be -- should have
15 been taken instead of Jacob. It was none of us. We were
16 just kids who had no control over an evil man with a gun.

17 After 20 years, I re-found the Jacob that I had
18 in me before he was taken. I found the joy in life, the
19 happiness that he always had in him. I realized that it
20 was okay for me to be happy. Jacob would want me to be
21 happy and to enjoy life. I realized it was okay for me to
22 just be me, the Jacob -- to be the Jacob -- the me that
23 Jacob loved, to not be the kid who left Jacob, but to be
24 Jacob's best friend.

25 I found a way to find him again. I chose this

1 path. This choice led to life. Jacob lived life to the
2 fullest every day. I intend to make the most of that.
3 This choice led to me hearing I love you every day and me
4 really believing it because it's okay for me to be loved.
5 It led to hearing the pitter-patter of little feet and the
6 laughter of my children. I will fight every day to make
7 sure that laughter never leaves.

8 When I am old, I want to be able to stand and
9 feel that I made a difference, that I did my best to live
10 life how Jacob taught me to live. He was an amazing
11 teacher in those short eleven years. I hope we can all
12 live to make a difference like he did.

13 On that dark night in 1989, evil came out, but
14 the good in life prevails. The Jacob in all of us comes
15 out every day. You can see it everywhere. You can see his
16 happiness everywhere. This is what I see in life. I see
17 him. I find him every day, and I always will.

18 That night I thought I made a choice to run into
19 the darkness. Now, I make that choice freely. If there is
20 darkness and evil out there, I chose to bring light. I run
21 towards the darkness because I know I have the strength in
22 me to overcome the evil out there.

23 We all have this strength. We can all make a
24 difference because we all have Jacob in us, because we were
25 Jacob's hope.

1 Thank you, Your Honor.

2 THE COURT: Thank you, Mr. Larson.

3 MS. ALLYN: Your Honor, the government would call
4 Jacob's brother Trevor to the podium.

5 THE COURT: Very well.

6 Good morning, Mr. Wetterling.

7 TREVOR: Good morning, Your Honor. I'm just
8 going to go ahead and read my statement that I submitted.
9 October 22nd, 1989, changed my life forever. I was a
10 ten-year-old boy with an older sister Amy and an older
11 brother Jacob and a younger sister Carmen, and from the
12 moment Jacob was taken, molested and murdered, my life was
13 never the same.

14 The entire dynamic of having a brother was taken
15 away. Losing Jacob was hard enough, but for this man to
16 hold this secret for almost 27 years and continue to be
17 free is, as Jacob would say, entirely not fair.

18 I live close to Paynesville, and as much as my
19 parents, family and friends tried to take away my fear, I
20 still had the nightmare of not only having a gun pulled on
21 me, but also having a huge weight of guilt because that
22 night I was the one that pushed for us to bike to the
23 store.

24 No matter how much you tell yourself it wasn't
25 your fault, it is always in the back of your mind. It is

1 not normal for a ten-year-old to sleep on the floor of
2 their parents' room. It is not normal to miss so much
3 school in the fourth grade to have to hire a tutor to catch
4 you up to speed and have your parents lobby to the teacher
5 not to hold you back.

6 It is not normal to avoid sleep-overs at friends'
7 houses because it so happened to be on the 22nd of August,
8 and that in your little boy mind had -- that the monster
9 that took your brother is going to do it again to you.

10 It is not normal for your entire identity to be
11 stolen away and to be transformed into Jacob's brother. It
12 is not normal to have nightmares and night terrors about
13 that night, but this time in your dreams, you are given the
14 choice that it could be you or one of the other friends you
15 were with, and you wake up screaming, scared and ashamed
16 because you chose not to be taken.

17 It is not normal for a ten-year-old boy to
18 request police officers to come back to their house and
19 answer the phones because that made you feel safe. It is
20 not normal to bike home from your friend's house at night
21 with your parents or your friend's parents following you
22 home with their lights on because you weren't quite ready
23 to do it alone.

24 On the night of October 22nd, 1989, the life that
25 I knew was stolen and changed forever. This terrible

1 horrible creature who thought it was okay to just steal
2 another human being and then murder him out of his own fear
3 of being caught is and will always be a threat to society.

4 Any person that does not value another person's
5 life and at any time they feel that their back is against
6 the wall and is willing to kill a child for no reason
7 except to save themselves from being caught does not
8 deserve to be free.

9 This monster was able to live free with his
10 secret for almost 27 years, 9,815 days free without paying
11 for what he did to my brother. He wasted hours upon hours
12 of police, detectives and FBI agents' time and money
13 searching for a boy when he knew what he had done.

14 I will not feel safe if he is ever released from
15 prison, and our society will not be safe, and it is my
16 recommendation that since my brother's life was ended at
17 the age of eleven that his freedom be ended and that he is
18 incarcerated for the remainder of his life.

19 THE COURT: Thank you, Mr. Wetterling.

20 MS. ALLYN: Thank you, Your Honor. At this time,
21 the government would call Jacob's sister Carmen to the
22 podium.

23 THE COURT: Very well. Good morning.

24 CARMEN: Good morning. When I was eight years
25 old, my life changed forever. My big brother Jacob was

1 stolen away from us and was nowhere to be seen. I wish I
2 would have begged those boys stay home that night and make
3 a home video, rather than going out to rent one.

4 There are months that I can barely remember. It
5 was a whirlwind of people everywhere, police and FBI in
6 uniform answering our telephone, the news cameras with big
7 lights in our driveway. I sent my imaginary friends Abi
8 and Aba to go looking for him.

9 I missed a lot of school. When I did try to go
10 to school, kids didn't know what to say to me. When they
11 did talk to me about Jacob, it wasn't always kind. I
12 remember one time having to leave Girl Scout camp early
13 because another camper told me that Jacob was dead and our
14 family should just stop looking.

15 I'm afraid of helicopters. Even to this day when
16 I hear the noise, I want to curl up in a blanket and
17 snuggle with my family. I can't be alone. Trevor and I
18 slept on our L-shaped couch every night together all
19 through middle school and high school. When he went to
20 college, I had a friend sleep over almost every night of
21 the year. The same pattern continued until I got married.

22 It's been very hard to meet new people. So where
23 are you from? How many brothers and sisters do you have?
24 That question was almost too hard to bear, that it was
25 easier to stick with friends who knew me when I was little.

1 I am taken back to this nightmare every time the
2 leaves start to change. The time I have spent hoping,
3 praying, searching for my brother cannot be measured.

4 I love you Jacob. This was not your fault, and
5 you didn't do anything wrong.

6 THE COURT: Thank you.

7 MS. ALLYN: Your Honor, the government would have
8 Jacob's sister Amy approach the podium.

9 THE COURT: Very well. Good morning, Amy.

10 AMY: Good morning, Your Honor. Thank you.

11 Recently our family learned what happened to my
12 brother Jacob. On October 22nd, 1989, Danny Heinrich shot
13 and killed him after he kidnapped and sexually molested
14 him, my little brother who was kind and gentle to everyone
15 he met.

16 After he had been molested, Jacob was cold and
17 just wanted to go home to his family where he knew it was
18 warm and safe. He thought he did something wrong. Hearing
19 those details was a horrific experience that I have not yet
20 recovered from, and I don't know that I ever will.

21 After having some time to process the events of
22 the past weeks, I struggle with the fact that hearing those
23 gruesome details, while absolutely devastating, is not the
24 worst part about this. Not even close.

25 The worst part is that for nearly 27 years he let

1 us believe that we would some day be able to see Jacob
2 again. For nearly 27 years, he let me hold onto the image
3 I had in my mind and in my dreams of Jacob running up the
4 driveway back into our home to a huge group hug, with all
5 of the people who loved him so much.

6 All the times our parents went on TV begging and
7 pleading for answers, and he just watched. He watched us
8 suffer through anniversary after anniversary. 27 years is
9 a long time. He watched the community pull together for
10 prayer services, balloon releases and candlelight vigils.

11 Now when I close my eyes at night, the image I
12 see is that innocent, young boy cold and afraid in those
13 last moments of his life. At the age of 13, my life was
14 forever changed. My childhood ended because of what Danny
15 Heinrich did. I felt I had to step up and help out around
16 the house with my other brother and sister, while our
17 parents did everything they could to find Jacob.

18 Dad worked to support our family, and mom
19 traveled around the state and country working first to get
20 Jacob's story out, and later to help law enforcement in
21 other communities learn how to work with victim families.

22 At a very young age, I helped out with driving
23 Trevor and Carmen to school and their activities. I felt
24 guilty dropping Carmen off at dance because I thought
25 someone should stay with her and watch. I hated taking

1 Trevor to school because I could tell how hard it was for
2 him to go without his brother. This is a burden a teenager
3 shouldn't have to carry.

4 Now that I am married and have children of my
5 own, I know that what Danny Heinrich to Jacob and my family
6 has directly impacted my marriage and the way I parent my
7 children. I have an adult life and responsibilities. Yet
8 in so many ways, I am still that 13-year-old girl.

9 While I have no idea what my life would be like
10 if Jacob had never been taken, I do know that it would have
11 been without 27 years of pain directly caused by Danny
12 Heinrich.

13 Thank you, Your Honor.

14 THE COURT: Thank you, Amy.

15 MS. ALLYN: Your Honor, at this time the
16 government would have Jerry Wetterling approach the podium.

17 THE COURT: Very well.

18 Good morning, Mr. Wetterling.

19 JERRY WETTERLING: Thank you, Your Honor.

20 Before I read my statement, I just, I want to
21 express gratitude to literally everyone involved who has
22 gotten us to this date, including Mr. Heinrich, for
23 whatever reason coming forth and showing us where Jacob
24 was.

25 Jacob's abduction and murder by Danny Heinrich on

1 October 22nd, 1989, has affected me way more than I could
2 ever imagine. First of all, my chiropractic office
3 business suffered greatly. My office has never approached
4 the productivity numbers after the abduction as before. I
5 stepped away from my practice totally for five weeks, after
6 which I returned to the office one day per week for five
7 weeks, after which I returned to work full time.

8 The first thing my staff in my Albany, Minnesota,
9 office asked me upon my return was, Is it true that members
10 of the Baha'i faith, which is my religion, sacrifice their
11 firstborn males? That was a rumor which had been
12 circulating around rural Stearns County.

13 In addition, many other people were pointing the
14 finger at me as responsible for Jacob's kidnapping because
15 I didn't show enough emotion during many media interviews.
16 So not only was I in high emotional distress missing Jacob,
17 I was looked at by many as being responsible.

18 It was extremely difficult to fully concentrate
19 on my practice and my patients' needs during the first
20 years following Jacob's abduction. I was frequently
21 interrupted in my office with calls from law enforcement,
22 people associated with Jacob Wetterling Foundation and
23 psychics to mention a few. We spent thousands of dollars
24 on psychics and private investigators, as well as lost
25 potential income to today's loss due to various

1 search-related commitments and opportunities.

2 The sadness and stress caused by Jacob's
3 abduction was a strain on Patty's and my relationship. We
4 were both hurting so deeply that we couldn't be there for
5 each other as we normally would. Thus, we looked to other
6 people for support, which didn't help our relationship with
7 each other. We survived that, but not without faith, great
8 heartache and financial and time expenditures for
9 counseling.

10 I lament for our other children because I wasn't
11 always there for them, due to something I was doing to
12 further the search for Jacob. I miss Jacob so very much.
13 He and my dad had birthdays five days apart in February.
14 Jacob's middle name, Irwin, was my dad's first name.

15 We often celebrated their birthdays together.
16 They both loved fishing and were both very good fishermen.
17 My dad was never the same after Jacob's abduction, and I
18 believe it literally broke his heart.

19 It wasn't just Jacob's physical body that was
20 missing these last 27 years. More importantly, I miss all
21 the things I didn't get to experience, laugh filled fishing
22 outings, pride filled school events, such as music
23 concerts, plays, sporting events, graduation, April Fool's
24 pranks, watching games together on TV and hearing Jacob
25 make a comment and then have the TV commentator say the

1 same thing seconds later, times hanging out with his
2 friends, possibly going off to college.

3 I could keep going with multitudes of other
4 commonly occurring life events. Since October 22nd, 1989,
5 my common, overriding emotion could be summed up as
6 sadness. Selfishly, this statement is only talking about
7 Danny Heinrich's actions affected me. Unfortunately, the
8 ripple effect is exponentially greater because those
9 actions have affected thousands of people.

10 Therefore, in the best interests of society, I
11 strongly recommend that Mr. Heinrich be kept in civil
12 commitment upon completion of his prison term.

13 Thank you.

14 THE COURT: Thank you, Jerry.

15 MS. ALLYN: And, Your Honor, the government would
16 have Patty Wetterling approach the podium at this time.

17 THE COURT: Good morning, Ms. Wetterling.

18 PATTY WETTERLING: Good morning, Your Honor.
19 Thank you so much for this opportunity.

20 It's really difficult to describe impact when it
21 has been so much a part of your life for so long. Words
22 can't express the magnitude of pain that Danny Heinrich has
23 inflicted on me and my family every day of our lives since
24 he hurt my heart, my soul, and every fiber of my being when
25 he murdered our son Jacob, a child that I carried for nine

1 months and nurtured for eleven years, eight months and five
2 days.

3 Jacob was a boy with many gifts that the world
4 will never realize because of this cruel and unnecessary
5 murder. The pain that Heinrich inflicted on our family has
6 interrupted my ability to parent our other children without
7 fear, my ability to sleep without the nightmares of
8 wondering what happened to Jacob, my ability to live the
9 life that my family and I had worked so hard to build.

10 Jerry and I were minding our own lives, raising
11 four wonderful children, teaching them to be fair and
12 honest and kind when Danny Heinrich stole Jacob. My heart
13 hurts. I miss Jacob's touch, his smell, his freely given
14 hugs. I miss his smile, his laughter, his jokes, his
15 questions, his zest for life.

16 I miss him playing with our dog and dressing him
17 up in football jerseys. I miss him playing football with
18 the neighbors. I miss him coming home from school and
19 complaining when something happened that wasn't fair. He
20 hated things that weren't fair.

21 I miss him being a good sport when Amy and her
22 friends were playing restaurant, and Jacob, Trevor and
23 Carmen had to be customers and sit at fancy tables for tea
24 parties. I miss his competitiveness with his brother when
25 they would play, argue and then fall asleep, each with one

1 arm wrapped around the other.

2 I miss him nurturing his little sister's
3 imaginary friends and using her foot for a microphone when
4 we had long car rides. I miss him teasing and his pranks
5 that he would pull. We hurt every day for all that we have
6 missed.

7 My heart hurts for Jacob's brother Trevor, for
8 the fear he instilled in him that horrible night and for
9 Aaron, who spent the next 26 years in fear, both of them
10 dealing with so many questions, anxiety and anger trying to
11 figure out what truly happened, wanting in part to wake up
12 from this horrible nightmare, only to find out that it
13 really did happen and Jacob was gone.

14 My heart hurts for our other children and that
15 sadness and fear they had to navigate, missing their
16 brother and figuring out how to grow up in a truly strange
17 and difficult environment, taking on far too many
18 responsibilities too early in life, just to keep things
19 going, but continually wanting our warm and friendly world
20 back.

21 Watching our children hurt was and continues to
22 be unbearable. I can't take it away, and I can't explain
23 how anyone could cause so much pain. My heart hurts for
24 parents who -- our parents who spent their final years
25 wondering, and they died, all of them not knowing.

1 For my sisters and brother and Jerry's sisters
2 who hurt so deeply over the loss of Jacob and for all of
3 our children, grandchildren, nephews and nieces and the
4 many tears they have shed for Jacob. Family reunions were
5 difficult because of his absence. As we watched everyone
6 grow up, we had to rely on a computer-generated age
7 enhancement to predict what Jacob might have looked like.

8 My heart hurts for Rochelle, who baby-sat and was
9 a dear friend of all of ours, for Jacob's classmates,
10 friends and neighbors who all needed to rebuild their lives
11 with a new set of rules. My heart hurts for the many other
12 victims of this man who will never experience justice.

13 My heart hurts for the entire St. Joseph
14 community who had never experienced such darkness, who
15 helped us to see the light of goodness and the millions of
16 truly kind people who were praying and hoping right along
17 for Jacob's safe return.

18 My heart hurts for the people who searched for
19 law enforcement, who investigated, parents who talked to
20 their children and held them tighter and for an entire
21 state and nation that strives for equality and justice and
22 yet has had to face the most unfair and unjust act of all
23 because of Heinrich's actions on October 22nd, 1989.

24 Danny Heinrich took away a wonderful human being
25 who cared deeply for family and friends and sports and

1 music and theater and jokes, hugs and kisses, football and
2 piggyback rides, a young boy, a kind and fun loving
3 brother, who wanted to grow up to be a football player, but
4 mostly who just wanted to grow up and live and contribute
5 to making the world a better place.

6 My heart hurts for Jacob and all that he went
7 through that last night. It keeps me awake at night. I
8 would like to say some comments directly to Danny Heinrich.
9 You didn't need to kill him. He did nothing wrong. He
10 just wanted to go home.

11 Your attorney wrote that you play that night over
12 and over in your head, but you knew. No, you planned to
13 hurt someone that night. You didn't just bring a gun to
14 scare the boys. You brought bullets. Why would you bring
15 bullets if not to use them?

16 I'm happy to hear that Jacob stopped you from
17 ever victimizing another child. If I had one wish for you,
18 it would be for you to see who Jacob was and to know the
19 young boy you took from us and to feel, even for a second,
20 what you did. You hurt a lot of people.

21 You continued to hurt us throughout the years,
22 but in spite of the pain, you were wrong. Jacob didn't die
23 that night. He wasn't ready to die. You know that. He
24 refused to die, and his spirit has moved people all over
25 the world, just as his jacket kept surfacing, at both the

1 burial sites.

2 Jacob wasn't going away, and we never gave up.
3 He believed in goodness and fairness. All that he was and
4 all that he stood for is so much stronger than your
5 cowardice and fear.

6 We hold Jacob in our hearts, and we feel him
7 every time something good happens, a smile, a hug, a
8 helping hand, a rainbow. Jacob's hope does live in all of
9 us, and you can never take that away, ever. Not in 1989
10 when you did this and not in 2016 when you took him away
11 all over again.

12 I will not wonder about you or waste a moment of
13 my time concerning myself from this day forward. It's my
14 hope that when we all walk out of this courtroom, we're
15 leaving the negativity, the fear, the anger, the
16 hopelessness, the confusion as best we can, and we're
17 taking Jacob with us, his hopes, his dreams, his smile, his
18 laughter, his sense of fairness and all that is good that
19 he stands for.

20 We truly stand together with the good people in
21 this world who believe in Jacob's hope and who never gave
22 up.

23 Thank you.

24 THE COURT: Thank you, Patty.

25 MS. ALLYN: Your Honor, there are no other victim

1 impact statements.

2 THE COURT: All right. We'll proceed now to
3 discuss the appropriate sentencing factors in this case.

4 Mr. Aligada, you can go first.

5 MR. ALIGADA: On the day where Danny Heinrich is
6 to be sentenced, this day is hopefully about more than just
7 announcing the sentence. It is hopefully about
8 Mr. Heinrich also doing what he can to contribute to the
9 process of healing for his victims for the people who have
10 spoken here today.

11 There is no way to know for sure, and there is no
12 way to know what the future holds, but for his part, for
13 knowing that the decisions and actions that he did and he
14 owns are the reasons that he stands here today. He hopes,
15 if in some little bit, to contribute to that healing.

16 The past year since this case began has largely
17 consumed many people with trying to understand Danny
18 Heinrich, with trying to step into his shoes and trying to
19 understand what motivates him as a human being.

20 Several weeks ago when he pled guilty and when he
21 revealed his crimes to this Court and to the community,
22 something changed. There is a natural instinct and a
23 natural desire by so many people to decide to view him as
24 something less than human, as someone capable of these
25 crimes that could not possibly be a human being with

1 feelings to understand pain.

2 Today, Mr. Heinrich hopes to explain that he is a
3 human being, and Danny Heinrich is a human being who not
4 only feels pain, but is able to understand that he has
5 caused pain. Not to feel it, not to know it, but at least
6 to understand that he has caused pain to so many people.

7 He also knows that it's his actions that were
8 part of that pain, but also keeping a secret for so many
9 years. For 26 years before his arrest, Mr. Heinrich lived
10 with guilt. Understanding that guilt does not measure
11 anywhere close to the pain of the people who have spoken
12 today, he lived with that guilt.

13 He tried as many ways in his mind as he could to
14 decide how to reveal what he had done, but ultimately could
15 not do so. When this case was filed, and about a year
16 later, several weeks ago, that was his opportunity, and in
17 pleading guilty to this crime, in revealing the secret, he
18 ended that period of time.

19 He ended what he had done in the community to
20 cope with his guilt, of living his life, of spending time
21 with his family, of working at his job, and he knows that
22 that time is over. And in his mind since he pled guilty,
23 he has done everything he could to answer not just for
24 himself, but again to contribute to the healing, to come up
25 with an answer as to why all this happened.

1 And he has struggled. He does not have the
2 answer. What Danny Heinrich has struggled with the most
3 since the day of his guilty plea hearing just a few weeks
4 ago is whether there was anything that he could say to help
5 with the healing. It has truly consumed him, almost
6 constantly for the last several weeks.

7 Mr. Heinrich has lived with the knowledge that
8 today would come, that he would have an opportunity to
9 speak, to contribute in any way possible to the end of this
10 case and to the healing of the victims that he affected and
11 to the community.

12 He knows that what he can attempt to do today is
13 apologize, but what is difficult is when you commit such a
14 horrible act, the instinct is for so many people not to
15 listen and to decide that what you're about to say is
16 self-serving or in some ways disingenuous.

17 So he worries about not having all the right
18 words, but Mr. Heinrich will try. Mr. Heinrich will try to
19 heal as best he can and to contribute to it, but beyond
20 that, beyond his actions, there is nothing much more that
21 he can do.

22 Thank you, Your Honor.

23 THE COURT: Thank you, Mr. Aligada.

24 Normally we would move to the prosecutor now, but
25 Mr. Heinrich, you have a right of allocution in this case,

1 and now is your opportunity.

2 Come on up to the lectern.

3 THE DEFENDANT: I am truly sorry for my evil acts
4 that I have committed against the victims and their
5 families and the shame that I caused, brought onto myself
6 and my family, for the victim -- for the victim impact
7 statements that I read and the suffering and pain that they
8 have spoke here today, I will always remember.

9 Mr. and Mrs. Wetterling, the heinous acts, the
10 selfishness are unforgivable for what I have taken away
11 from you. I don't know what else to say. I'm so sorry.

12 To Jared Scheierl, the innocence I have taken
13 away of not just him, but from other victims, the
14 emotional, the psychological trauma that I have caused him
15 and his family and others, I'm sorry.

16 I've -- many are probably wondering how I kept
17 this secret so long. Well, to spare myself and the
18 humiliation I would have brought to my family for my
19 actions.

20 There is no more, Your Honor. I, I -- there is
21 no more. I can't do it.

22 THE COURT: Thank you, Mr. Heinrich.

23 Ms. Allyn?

24 MS. ALLYN: Thank you, Your Honor. This
25 defendant tried again today to say some words of remorse,

1 like in the papers that he submitted to this Court last
2 week, but this defendant is not remorseful for one second.

3 Danny Heinrich is a cold, calculating predator of
4 children. He cannot now try to redeem himself by his
5 claims of remorse because any claim of remorse is a lie.
6 Even today, this defendant tried to talk about himself and
7 the shame it brings to his family.

8 If defendant had one ounce of remorse ever, he
9 would have ended the anguish for so many people so long
10 ago, but he did not. He only ended anything now with his
11 confession because he was caught, and he only pled guilty
12 because the numbers were good for him.

13 Danny Heinrich only does what is good for Danny
14 Heinrich, and to claim any remorse now is Heinrich just
15 trying another calculated move to say what he thinks he
16 should say or could say today in court, but he is as cold
17 and calculating in these lies of remorse here today, as he
18 was cold and calculating when he went hunting through the
19 streets of Paynesville for little boys, when he went
20 hunting in Cold Spring and found Jared Scheierl.

21 Jared Scheierl was simply walking home. He was
22 simply living a little boy's life, and this defendant
23 abducted him, and he raped Jared Scheierl. Defendant time
24 and time again chose his depraved needs over the dignity of
25 these children.

1 Heinrich is a predator, and he did not stop after
2 Jared Scheierl, and in fact, he became even more cold and
3 calculating because that summer he got a gun after he had
4 raped Jared Scheierl, and he took that gun, and he took
5 those bullets, and the night October 1989, when he found
6 Jacob Wetterling and his brother and his best friend just
7 biking home, again being kids in every way that they should
8 be allowed to be kids.

9 And the defendant sat waiting like the predator
10 that he is, and he grabbed those boys. He came out of the
11 night, like ever child's worst nightmare, your parents
12 worst nightmare, masked and harmed, and in this, he
13 victimized also Trevor and Aaron Larson.

14 We know now that it's this defendant, Danny
15 Heinrich, who stole Jacob that night, and we know a lot of
16 those facts of that horrible evening. Jacob did everything
17 that this defendant asked him to do.

18 Defendant got what he wanted, and yet he went
19 back to his car. He took bullets. He loaded a gun, and he
20 killed Jacob Wetterling. Danny Heinrich did not need to
21 kill Jacob. Jacob deserved to live. He deserved to become
22 a man, and his family deserved that, too. It is impossible
23 to ever make sense of this senseless killing.

24 Hopefully now his family has some answers, but
25 there is really never any answer to why Jacob and why kill

1 him, and all of that is so horrible enough, but despite
2 this blood on his hands, this defendant only ever cared
3 about himself from that night forward, for over 20 years.
4 That night Danny Heinrich could have left Jacob's body
5 there to be found, to be buried, to be grieved, but he
6 didn't.

7 He went and he buried that body, and a year later
8 when the body resurfaced, he had a chance to just let this
9 little boy be found, and by that time, this defendant knew
10 that everybody was looking for Jacob Wetterling. The
11 magnitude it takes to dig up a body and re-bury it knowing
12 that entire community is begging and pleading for answers.

13 Your Honor, during the search warrant of
14 defendant's home, law enforcement found videotapes that
15 included the anniversary specials and news specials of the
16 Wetterlings looking at the camera and begging and pleading
17 for some answers. So this defendant would have seen that,
18 and he would have just turned off the TV and went about his
19 life, and he did this year after year.

20 It is beyond horrible to molest children and to
21 have murdered a little child, but the unsolved nature of
22 this crime he let become a tragic force that ripped through
23 these families and these communities, and this, this
24 defendant, is a cruel Narcicisstic.

25 Untold amount of resources and time by

1 investigators, think for one moment that cruelty of day
2 after day the Wetterlings suffered every time somebody
3 called, a psychic or a sighting or somebody with this
4 chance of hope, that had been dashed over and over again.

5 This family died a death of a thousand cuts, and
6 this man, defendant, Heinrich, let that happen year after
7 year. This defendant caused unparalleled anguish for so
8 many people, and in his papers to this Court, he claims he
9 stopped after Jacob Wetterling, just a quick comment on
10 that.

11 We are here on child pornography charges. That
12 is not stopping. He stalked children by filming them for
13 years, and he amassed a child porn collection. That is not
14 a victimless crime. This defendant never stopped. It's
15 another calculated lie from him to this Court to claim
16 otherwise.

17 The enormity of his crimes are immeasurable. To
18 be sure, 20 years in prison is not enough time. He
19 deserves a lifetime in prison, but there was at least
20 closure, and for that, he will spend a few less decades in
21 prison than he deserves.

22 Your Honor, there are only aggravating factors in
23 this case. His crimes were reprehensible and his silence
24 devastating. There are no mitigating factors, so the
25 government requests this Court sentence the defendant to

1 the maximum sentence of 20 years.

2 Thank you.

3 THE COURT: Thank you, Allyn.

4 Mr. Aligada, anything else?

5 MR. ALIGADA: No, Your Honor.

6 THE COURT: Mr. Heinrich, could you come forward
7 to the podium?

8 So, Mr. Heinrich, you are charged in Count 24 of
9 this indictment with the crime of receipt of child
10 pornography. You pled guilty to Count 24, and the Court
11 finds that you are guilty of that crime. I'm going to
12 sentence you to the custody of the United States Bureau of
13 Prisons for the period of 240 months, the agreed upon
14 sentence in this case, 20 years.

15 I'm not going to impose a fine on you. I don't
16 believe that you can afford a criminal fine. I've signed a
17 forfeiture order in this case, and that's effective. I
18 have examined all the statutory sentencing factors and --
19 which I must because this is an upward variance. The
20 guideline range is much lower.

21 There are perhaps a few mitigating factors
22 concerning your childhood and your upbringing, your history
23 and characteristics in that respect, but the rest, I agree
24 with Ms. Allyn. They're all aggravating.

25 The factors that I have to consider are the

1 nature and circumstances of the offense, and I'm
2 considering the murder, as well as the pornography offense,
3 child pornography offense.

4 And a sentence must reflect the seriousness of
5 the offense. It must promote respect for the law, provide
6 for just punishment, afford adequate deterrence for
7 criminal conduct and to protect the public from further
8 crimes.

9 All of those factors come into play here in the
10 Court's consideration of this sentence, and they are all
11 aggravating. It is not a sentence that is, causes any
12 unwarranted sentencing disparity, and it is sufficient, but
13 not more than necessary.

14 Had you been convicted of just one sexual
15 assault, the guideline range would have exceeded the
16 maximum sentence of 20 years, so the Court finds that this
17 is appropriate.

18 Now, with respect to supervised release, I'm
19 going to order you to serve a lifetime term of supervised
20 release. There are conditions that you have to follow:
21 Not commit any crimes, federal, state or local. I'm going
22 to suspend the mandatory drug testing because I do find
23 that you pose a low risk of substance abuse.

24 You'll have to comply with the requirements of
25 the Sex Offender Registration and Notification Act as

1 directed by the probation officer, the Bureau of Prisons or
2 any sex offender registration agency in a state in which
3 you live.

4 The special conditions that I will impose include
5 not possessing, viewing, accessing or otherwise using child
6 pornography or any material that is stimulating or sexually
7 oriented, deemed to be inappropriate by the probation
8 officer.

9 You'll have to provide the probation officer
10 access to any requested financial information, not
11 associate with persons under the age of 18, except in the
12 presence of a responsible adult who is aware of your
13 background.

14 No contact with the victims or their family
15 members, including letters, communication devices, audio or
16 visual devices, visits or any contacts through a third
17 party. No renting a post office box or storage facility
18 without the prior approval of the probation officer.

19 Refrain from possessing or purchasing any
20 electronic equipment, including video and still cameras.
21 You'll have to participate in sex offender and/or mental
22 health treatment as approved by the probation officer.

23 And you'll have to submit any area under your
24 control to a search by the probation office if there is a
25 reasonable belief of contraband or a supervised release

1 violation.

2 And you should not possess or use a computer or
3 have access to any online service, and you would be placed
4 on a program of stand-alone monitoring for the duration of
5 the supervised release term, which would be monitored by
6 location monitoring technology.

7 Although there is no fine, there is a \$100
8 special assessment that is now due and payable, and I have
9 not been advised of any restitution requirement.

10 There are counts to be dismissed, Ms. Allyn.

11 MS. ALLYN: Yes, Your Honor. At this time the
12 government would dismiss the remaining counts.

13 THE COURT: All right. Counts 1 through 23 and
14 25 are dismissed upon the motion of the government.

15 Mr. Heinrich, normally you would have a right to
16 appeal any sentence imposed by the Court. You have given
17 up that right as part of your plea agreement. So that's a
18 right that you no longer have, except for future petitions
19 for ineffective assistance of counsel. The United States
20 has also waived its right to appeal this sentence.

21 You technically have a right to appeal your
22 guilty plea if you feel that your guilty plea was unlawful
23 or involuntary or there was some other fundamental defect
24 in these proceedings that was not waived by your guilty
25 plea.

1 Do you understand these rights?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Okay. Are there recommendations you
4 wish the Court to make, Mr. Aligada?

5 MR. ALIGADA: As for placement in the Bureau of
6 Prisons, no, Your Honor. We have no specific
7 recommendations.

8 THE COURT: All right. Do you have anything else
9 that you have, Ms. Allyn?

10 MS. ALLYN: Your Honor, the government requests
11 that restitution remain open for 90 days.

12 THE COURT: Very well. I'll keep the restitution
13 order open.

14 MS. ALLYN: Thank you.

15 THE COURT: Do you have anything else,
16 Mr. Aligada?

17 MR. ALIGADA: No, Your Honor.

18 THE COURT: All right.

19 Mr. Heinrich, I'm giving you the most severe
20 punishment that is available to me. I agreed to impose
21 this sentence in order to find the remains of Jacob
22 Wetterling and to provide closure to the Wetterling family.
23 It is closure that you denied them for 27 long years as
24 they, as we heard today, as they hoped and prayed that
25 their much loved son and brother would return.

1 We won't pretend today that this crime and
2 sentence is about child pornography, although it
3 technically is. It is not. It's about taking a childhood
4 away from Jared Scheierl and taking a lifetime away from
5 Jacob Wetterling.

6 And it is also about changing the lives of so
7 many children and parents, who prayed for Jacob's return
8 and lived in the fear that someone like you, someone evil,
9 would come out of the darkness, out of the woods, out of
10 the bushes, from around the corner, abuse them and take
11 them away, never to be seen again.

12 Every child knows the story of Jacob Wetterling.
13 You stole the innocence of children's lives in the small
14 towns, in the rural areas and the cities in Minnesota and
15 beyond, and as we have heard today, the long-sought answers
16 in this case are devastating.

17 There is no other word for it. I think we all
18 felt intense pain when you admitted what you had done and
19 how you did it, and that pain will never go away. It is
20 possible that you will be released in 17 years under this
21 sentence, but I don't expect it because what you have done
22 is so heinous and so brutal and awful that it's unlikely
23 that society will let you go free.

24 So this long nightmare is not over. There is no
25 answer to the why, but there is closure today and an

1 opportunity for healing. And today's statements, which I'm
2 sure were very difficult to give, reflect the intense pain
3 that is felt, but also give us hope for healing and promise
4 of brighter days ahead.

5 No one is ever going to forget October 22nd of
6 1989, but we will move forward, and I know that we're in a
7 better place as a society because of the commitment that
8 the Wetterling family has made to Jacob and to protecting
9 other children.

10 So to you, Mr. Heinrich, you are a human being.
11 You're not a monster, and you deserve to be treated
12 humanely, and you will be. And you've had fine
13 representation, as you have deserved, as any defendant
14 would.

15 So I wish you good luck as you serve your
16 punishment for one of the most truly horrible crimes that I
17 have ever seen.

18 Mr. Heinrich will remain in the custody of the
19 Marshal's Service pending designation. I thank you all,
20 and we will be in recess.

21 THE CLERK: All rise.

22 **(Court was adjourned.)**

23 * * *

1 I, Kristine Mousseau, certify that the foregoing
2 is a correct transcript from the record of proceedings in
3 the above-entitled matter.

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6
7 Certified by: s/ Kristine Mousseau, CRR-RPR
8 Kristine Mousseau, CRR-RPR
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